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Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

Advisory Opinion

March 18, 1999

AO-99-03

Jason W. Solinsky
249 River Street
Cambridge, MA 02139

Re: City Committee's creation of "Freedom in 2000" sub-committee

Dear Mr. Solinsky:

This letter is in response to your February 11, 1999 request for an advisory opinion regarding prospective activities of a city party committee. You have asked several questions, each of which will be answered separately.

Question: May a city party committee create a sub-committee?

Answer: Yes. The campaign finance law allows persons to make expenditures or receive contributions under the authority of, or on behalf of, a political committee. "No expenditure shall be made for, or on behalf of, a political committee without the authorization of the chairman or treasurer [of a committee], or their designated agents." See M.G.L. c. 55, § 5. An authorized sub-committee must give the committee treasurer a detailed account of any receipt, expenditure, promise to pay or incurred liability within three business days. See M.G.L. c. 55, § 23.

Question: May the sub-committee be authorized to make expenditures and receive contributions for a particular purpose?

Answer: Yes. See answer to Question 1.

Question: May the treasurer of the city committee also be the treasurer of the sub-committee and report contributions to and expenditures from the sub-committee as though they were made directly by the city committee?

Answer: Yes. You may be the treasurer for the sub-committee even if you are also the treasurer of the city committee. You *must* report all sub-committee expenditures and receipts as expenditures and receipts

of the city committee. You must maintain detailed accounts of all receipts and expenditures in your capacity as city committee treasurer.

Question: May the sub-committee be called “the Freedom in 2000 Committee?”

Answer: No. The campaign finance law states that “[n]o political committee shall use any name other than the name included in its organizational statement.” See M.G.L. c. 55, § 5B(c).

Therefore, a sub-committee of the city committee may not, without also referencing the city committee in its name, call itself the Freedom in 2000 Committee. The city committee may, however, describe itself (for example) as “the Freedom in 2000 Campaign of the Cambridge Libertarian City Committee” or “Freedom in 2000, a sub-committee of the Cambridge Libertarian City Committee.”

Question: May the sub-committee receive and cash checks made out to the Freedom in 2000 Committee and report the receipt “as though [the checks] were made out to the city committee?”

Answer: Although the sub-committee may not use the name “Freedom in 2000 Committee” standing alone to solicit contributions, it may receive and cash checks that may have been made payable to that name. The responsibility for reporting such contributions, however, remains that of the city committee.

Question: Is it sufficient for the sub-committee to report its use of the Freedom in 2000 name to OCPF so that people looking for the Freedom in 2000 expenditures can be referred to the city committee’s filings?”

Answer: No. Section 5B(c) requires committees to use only the name that appears on the committee’s organizational statement. The statute ensures that the name of a committee *by itself* affords notice to potential contributors of the political committee that is actually soliciting a contribution. Consequently, contributors do not have the burden to learn which political committee is soliciting a contribution.

This advisory opinion is issued solely within the context of the Massachusetts campaign finance law and is provided solely on the basis of representations in your letter. This office appreciates your interest in the campaign finance law. Please contact us if you have further questions.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Sullivan". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Michael J. Sullivan
Director